

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MATTHEW MCSHANE,	:	Civil No. 3:21-CV-1396
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	(Magistrate Judge Carlson)
AGENTS, et al.,	:	
	:	
Defendants.	:	

ORDER

The plaintiff commenced this case on August 11, 2021 but there has been no indication in this litigation of service of the complaint. The plaintiff is placed on notice that it is the plaintiff's responsibility to serve the defendants named in the complaint within 90 days, on or before **November 9, 2021**. See Rule 4, F. R. Civ. P. In addition to setting time limits for service, Rule 4 prescribes the sanction of dismissal for the failure to make proper and timely service, stating as follows:

(m) Time Limit for Service. If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

F. R Civ. P., Rule 4(m).

The language of Rule 4(m) is both clear and mandatory. Where there is an unjustified and unexcused failure to timely serve a complaint the court “must dismiss the action.” Accordingly, the plaintiff is placed on notice of this deadline and is directed to make service, or show cause why this matter should not be dismissed without prejudice for failure to affect proper service of the complaint.

So ordered this 1st day of October 2021.

S/Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge